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EXAMINER

JANVIER, JEAN D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,731

Applicant(s)

KEPROS ET AL.

Examiner

Jean Janvier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-21,24 and 27-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-21, 24, 27-38 and new 39-44 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Response To Applicant's amendments

The Examiner approves the Applicant's amendments to the claimed invention.

DETAILED ACTION

Specification

Status of the claims

Claims 2, 3, 22, 23, 25 and 26 are canceled and claims 1, 4-21, 24, 27-38 and **new 39-44** are currently pending in the Application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-9, 11-13, 15, 16-17, 19-21, 24, 27-32, 34-36, 38 **and 39-44** are rejected under 35 U.S.C. 103(a) as being unpatentable Quinlan, US Patent 6, 748, 365B1 in view of Van Dusen, US Patent 6,175,823B1.

As per claims 1, 4-9, 11-13, 15, 16-17, 19-21, 24, 27-32, 34-36 and 38 and 39-44,

Quinlan discloses a system and method for processing product marketing rebate claims submitted by a consumer in satisfaction of a rebate offer, the consumer having purchased designated or required products in a qualified transaction recorded by a participating point-of-sale (POS) data processing and storage system that issues a receipt containing a corresponding transaction serial number or identifier (linking a purchase identifier to a purchase of a product). The method further comprises the steps of providing a designated site of a computer information network accessible by the consumer for placing a rebate claim and receiving the rebate claim on the designated site. The rebate claim includes receiving the transaction serial number corresponding to the qualified transaction (linking a purchase identifier to a product purchase related to the rebate claim), and (ii) identifying or verifying information corresponding to the consumer (validation or authentication process). The transaction serial number and the identifying information are stored as permanent data records. Moreover, an electronic file transfer is received from the point-of-sale data processing and storage system comprising purchase data records, each record comprising the list of products purchased and the transaction serial number for a qualified transaction in which at least one designated product was purchased (Receiving the purchase identifier from a store computer). Each stored data record is associated with a purchase data record having an identical serial number and the records are processed to validate the rebate claim (validating, authenticating or verifying step). The value of the rebate offer is transferred to the consumer. Consumer access to the designated site may be via the global computer information network (Internet) or by telephone. The providing of the rebate to

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the consumer, subsequent to a rebate claim, may also optionally integrate paper-based and smart/credit/debit-card-based rebate claims (See abstract).

The above method may also be modified to allow at least one consumer to transmit information, associated with a rebate claim, to the designated site over a global computer information network whereas at least one other consumer completes and mails a paper form, related to a rebate claim, to a fulfillment housing administered by the fulfillment administrator and makes a rebate claim by providing the serial number of the qualified transactions and personal information on the paper form. The fulfillment administrator, upon receipt of the paper form, accesses the designated site of the global computer information network, enters and transmits to the designated site the other consumer's personal information and the serial numbers corresponding to the other consumer's qualified transactions, and stores as a stored data record the personal information and the serial numbers transmitted by the other consumer (Col. 5: 29-43).

In a further embodiment, at least one consumer may purchase the one or more designated products using a smart card having a card number and a computerized data storage means, at which time the transaction serial number is stored as computerized data on the smart card computerized data storage means. The consumer can then enter the one or more transaction serial numbers and the personal information by using a smart card reader to automatically download the computerized data representing the stored transaction serial number and the card number from the smart card into a card reader. In such case, the card number comprises the personal information from which the consumer can be identified. The fulfillment administrator then transfers the cash value of the rebate claims to the consumer by crediting the smart card

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(crediting the consumer's account with the rebate value related to the claim or electronically transferring the rebate value to the consumer's smart card memory- col. 5: 44-57).

In another embodiment, the consumer may purchase the designated product using a designated card such as a credit card having a corresponding credit account, a debit card having a corresponding bank or debit account, or a smart card having computerized data storage means. The designated card is sponsored by the retail network and has a card number. In such case, a fulfillment administrator receives, when the consumer mails the rebate to a fulfillment house, in the electronic file transfer from a POS system (a store computer) at least one transaction data record comprising the designated card number and the corresponding transaction serial number for the qualified transaction. The fulfillment administrator already has on file a stored data record comprising personal information about each consumer indexed by the designated card number, so the fulfillment administrator then associates the transaction data record with the corresponding stored data record for the designated card number. The stored data record is updated with the transaction serial number, and the remainder of the method remains the same, **except that the cash value of the rebate claims may be credited to the consumer by crediting the corresponding credit account, the debit or bank account, or the smart card (electronic transfer of rebate cash value, related to a rebate claim, to the consumer's account)**. The above data entry method using the designated card for data entry and transmission to the dedicated site may be integrated with the Internet data entry and paper form data entry methods. The consumer may also receive, subsequent to claiming a rebate, a check having a value equal to the value of the rebate (col. 5: 58 to col. 6: 56; col. 7: 33-45).

See in general col.7: 66 to col. 8: 36; col. 9: 18-38.

Additionally, the rebate claim system, as described above, is secure whether the claim is performed Online via a designated network site or Off-line through a fulfillment house (col. 10: 30-50). Because a consumer can come home immediately after making a purchase in step 100 and access the designated site, in the Online model, in step 110, some consumers may wish to receive their rebate as soon as possible. Thus, the rebate method may further comprise the designated site interactively prompting the consumer in step 120 of fig. 2 to choose whether to proceed to method step 160 of fig. 2 immediately or to delay performing step 160 (i.e. delaying providing the value of the rebate related to a claim to the consumer). Thereafter, the consumer accesses the designated network site a second or subsequent time, the site may automatically recognize the consumer after transmitting only a portion of the personal information transmitted during the first access session, such as the name and zip code only, phone number only, e-mail address only, or any other limited portion of the consumer's personal information as deemed necessary. During the first visit to the designated site, the customer may be able to choose a username and password that can be entered during subsequent visits, and thus the username and password may constitute the partial or minimum information entered to be recognized. In such case, the designated site may interactively fill-in the computerized form with the remainder of their personal information upon entry of the partial information, or the site may prompt the consumer with a menu of addresses having the same name entered. From this menu, the consumer may merely choose which personal information is his or hers, and no further entry of personal information may be necessary, except to modify any information as necessary. The partial personal information transmitted by the consumer, via his computer, may require no entry at all, but instead may merely comprise information automatically transmitted by the consumer,

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such as a "cookie" saved on the consumer's computer from a previous visit to the designated site. Moreover, the consumer may simply enter a username and/or password and the designated site will automatically identify the consumer, as known in the art (Col. 10: 51 to col. 11: 67). In addition, the system, as herein disclosed, comprises a built-in module for releasing previously entered transaction codes or serial numbers or purchase identifiers for processing and for checking the status of a pending or previously submitted rebate claim (col. 14: 51-53). In other words, the secure rebate claim system, as disclosed by Quinlan, comprises appropriate Software to prevent a subsequent submission of a rebate claim whose transaction code or serial number or purchase identifier is already tagged or flagged in the designated site database or fulfillment house database as redeemed or processed or submitted by a specific consumer living in a particular zip code.

In another preferred embodiment, the rebate value related to a rebate claim, following a validation or clearing process, is electronically transferred to the consumer's credit card or debit card account number established at a bank or to the memory of the consumer's smart card. Indeed, use of the designated card by the consumer, in particular a card issued by the fulfillment administrator acting as an umbrella for a large retail network of otherwise unrelated retailers, **may trigger automatic access of the designated site, used for electronic rebate claim submission, on behalf of the consumer.** Thus, for a consumer using a designated card, the consumer may automatically make a rebate claim for any product purchased with the card. Such automatic access may occur from the POS data processing and storage system without further action by the consumer, as shown in FIGS. 5 and 6, (automatic claim submission at a POS). In the case of a smart card, which has data storage capacity on the card, the smart card may instead

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receive and store data from the POS system, such as the transaction serial number, and the consumer may then access the designated site in step 110, as shown in FIG. 2, and automatically enter the serial number data and personal information in step 120 via insertion of the smart card in a card reader/writer. The data may then be uploaded to the designated site without manual entry through a browser by the consumer. If the consumer has a refund waiting at the designated site to be credited to his card from a previous rebate claim submission, the credit can also be written to the card while during such a procedure (col. 14: 66 to col. 15: 53). Further, a consumer may be able to use his or her card at any of several retail establishments to automatically receive refunds credited to his or her account or downloaded to his smart card memory regardless of at which retailer the qualified product was purchased. Cash values related to pending or previously submitted rebate claims can be electronically transmitted to the memory of the consumer's smart card when the card is involved in a transaction at a member or participating POS. Thus, for instance, where smart card 292 of fig. 3 can be credited and debited by a participating retailer who offers the coordinated rebate program, the cash value may be transferred to the retailer who can then credit the consumer from the point-of-sale or POS system 210 of fig. 3 during the next visit. It should further be recognized here that the cash value or credit transferred to the retailer's POS system for later upload to the consumer's smart card memory should indeed include at least the transaction code or serial number or purchase identifier related to the previously submitted rebate claim such that all parties involved in the transaction are notified that the transferred credit is associated with a particular transaction identifier and appropriate records are kept (silently requesting or transmitting a transaction serial number or identifier to the store system). See col. 16: 52 to col. 17: 10; col. 18: 30-54; col. 19: 57 to col. 20: 2.

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In a further embodiment, retailers may enjoy a reduction in fraudulent activity. Because the individual serial numbers for each qualified transaction are unique, a fraudulent consumer cannot just manufacture any authentic-looking cash register receipt and successfully claim a rebate. Similarly, because the standard serial number issued by POS systems known in the art is also entered during returns of items, consumers purchasing a rebatable item, returning it, and still trying to claim a refund will be identified by the serial number of the transaction. Even if a consumer were to receive the check and then return the item after having check-in-hand, that consumer can be identified as someone who has fraudulently claimed a rebate once, and thus can be entered into the fraud-checking database for the next time (checking to see if the product was previously returned- Col. 19: 41-55).

Finally, in its most basic form, the invention comprises a method for processing a rebate claim including receiving from a consumer the transaction serial code of the transaction during which the rebate item was purchased, and then matching that code with a data record containing that code and the list of rebate products purchased, as provided by the point-of-sale data processing system. The transaction serial code may be received via access to a global computer information system, by telephone or through a computer such as a home computer, used by the consumer, or a kiosk, via direct telephone access or direct computer access, or by a paper mailing. **An e-mail containing the transaction serial code or purchase identifier could also be sent to a designated e-mail address of the designated network site without navigating the Internet through a browser (Broadly interpreted, the retailer transfers the purchase identifier or transaction code to the user's computer via an electronic communication and the user or consumer can then submit this purchase identifier or transaction serial number to the**

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designated site in order to claim a rebate related to the purchase identifier- Col. 20: 61 to col. 21:7).

As per claims 1, 16 and 24, Quinlan does not expressly disclose generating by a rebate server a purchase identifier in response to a store POS request or remote station, transmitting the purchase identifier to the store POS or remote station and verifying or validating a rebate claim by comparing a submitted purchase identifier to the purchase identifier previously generated by the server.

However, Van Dusen discloses an electronic gift certificate system, which distributes electronic gift certificates in the form of e-mail documents that include hyperlinks for automating the redemption process. When a gift certificate recipient selects such a hyperlink, inserted into the e-mail containing the gift certificate information including a claim code and sent by a gift purchaser to the recipient, the recipient's computer automatically transmits during a redemption process the claim code (purchase identifier or transaction serial number), generated by a server and extracted from a pool of claim code combinations, to the merchant's Web site, and the site responds by automatically crediting the recipient's personal account with the gift certificate amount. When the recipient subsequently makes a purchase from the merchant's Web site, the recipient's account balance is automatically applied to the purchase price.

Further, FIG. 5 illustrates a sequence of steps that are performed by the GC application 72 to process an order for an e-mail-based gift certificate. This process is executed after the

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purchaser's credit card number or other payment information has been verified. **As depicted by steps 90 and 92, the GC application 72, running on the server, initially generates a claim code that uniquely identifies the gift certificate, and then stores the claim code and the associated gift certificate information in the table 80, where the stored claim code is retrieved from and used to verify or authenticate a claim code submitted by a gift certificate recipient during a redemption process.** Various alternatives to using a claim code and a look-up table are possible. For example, the claim code could be replaced with an encrypted user ID of the recipient and an encrypted code, which represents the gift certificate amount (col. 6: 7-19).

In addition, **the claim codes are preferably selected at random from a relatively large set of possible values (e.g., 10.sup.12 possible values or 10 to the power of 12 of possible values). The outstanding (valid) claim codes thus represent a sparse subset of the universe of possible claim code values. This technique provides a level of security by reducing the likelihood that unauthorized users will be able to identify valid claim codes through trial and error (col. 6: 20-34).**

In short, a purchaser or gift certificate sender orders, via a remote station, a gift certificate from a POS using his credit card. In response, a server generates a claim code (purchase identifier or transaction serial number) extracted from a plurality of possible claim code combinations, wherein the claim code is printed along with other gift certificate data in an e-mail that is to be transmitted to a gift certificate recipient, wherein the claim code and the gift certificate data are stored in a table or database coupled to the server (rebate server) and wherein the stored claim code is retrieved therefrom and used to

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validate a claim code submitted by the gift certificate recipient during a redemption process.

(See abstract; figs. 5 and 6; col. 5: 47 to col. 6: 34) .

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the teachings of Van Dusen, related to the claim code generation and the gift certificate redemption, into the Quinlan's rebate system so as to generate by a remote server or rebate computer system (rebate server) a unique purchase identifier or transaction identifier (claim code or transaction serial number), which is stored in the server database, upon receiving a signal from a remote station or a POS terminal to create or extract a purchase identifier from a pool of possible purchase identifier combinations when a rebate product (or a product triggering rebate) is detected in a customer's order at the POS, wherein the purchase identifier is printed on the customer's receipt in a manner analogous to printing a transaction serial number on the customer's receipt, wherein the printed purchase identifier is used to validate or authenticate by the rebate server a rebate claim, associated with the rebate product and the printed or appended purchase identifier, submitted by the customer over a network by comparing the submitted purchase identifier to the purchase identifier or transaction serial number previously generated and stored in the server database containing a plurality of unexpired and valid purchase identifiers initially created and corresponding to one or more rebate products, thereby adding an extra layer of security to the rebate system by removing the task of generating or creating the unique purchase identifiers or transaction serial numbers related to the rebate products from the

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retailers POS terminals where they can be fraudulently produced without purchasing the required products or rebate products, while generating the purchase identifiers in real time by the server or rebate server when the presence of at least one rebate product is detected in the customers' orders at the retailers' POS and while making it more difficult for unscrupulous retailers and/or clerks conspiring with malicious customers to provide invalid purchase identifiers to the customers with no required purchase by guessing the next unique possible purchase identifier from the pool of possible purchase identifier combinations.

As per claims 14, 18 and 37, although Quinlan discloses a system, wherein a consumer or user uses a personal computer to submit a rebate claim to a designated network site (web site having a web page), however, the combination of Quinlan and Van Dusen fails to teach the use by the consumer of a personal digital assistant (PDA).

However, it is well documented in the art to use a wireless device, such a cell phone, a PDA, etc., to access a computer network or the Internet to make a request or download information such as game or coupon data that are stored in the memory or local database of the wireless device for later retrieval and use ("Official Notice").

Therefore, an ordinary skilled artisan would have been motivated at the time of the invention to incorporate the above disclosure into the systems of Quinlan and Van Dusen so as to enable a consumer to use a wireless device, such a PDA or cell phone, and a personal computer to submit a rebate claim at a designated web site or site on the Internet by entering the necessary

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information including the transaction identifier related to the rebate claim and the user's personal information, thereby enabling the user or consumer to wirelessly submit a rebate claim to the designated site immediately after buying one or more qualified item(s) in a qualified transaction regardless of the user's present location, wherein the credit associated with the rebate claim can be submitted in real-time to the user's wireless device and wherein the user can redeem or use the credit encoded in the memory of his portable or wireless device (cell phone) during a transaction at a local participating store while on the road and away from his normal zip code or geographic location.

Claims 10 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Quinlan and Van Dusen and further in view of Lemon, US Patent 4, 674, 041.

As per claims 10 and 33, the combination of Quinlan and Van Dusen fails to expressly teach a process or system for determining whether a limit of rebates for the product related to a particular rebate is reached or exceeded.

However, Lemon discloses a system having remotely located coupon printing stations installed in stores and capable of limiting the number of coupons printed in a given time period. Each coupon station has a display for indicating the available coupons, selection means to allow a consumer to choose the desired coupon and a coupon printer coupled to a station for printing the selected coupon. The system disables display of a particular coupon when a pre-selected coupon limit has been reached (col. 2: 16-19; col. 3: 39-54; col. 4: 47-51).

Therefore, an ordinary skilled artisan, implementing the Quinlan's system, would have been motivated at the time of the invention to incorporate the teachings of Lemon into the systems of Quinlan and Van Dusen so as to use a "check and balance system" or regression analysis technique by continuously monitoring the number of rebates given out as the qualified product, which triggers the generation of the rebates in the first place, is being sold to customers and if the number of rebates thus far distributed reaches or exceeds a preset threshold limit, then the system is operable to automatically decrease, based on the product manufacturer's desires, the value of subsequently issued rebates as the associated product is being purchased or simply stop or discontinue the promotion or the issuance of future rebates related to the sales of the said product even before the expiration date of the promotional period expires, thereby giving the manufacturer or rebate issuer, using a computer system linked to the stores POS terminals, the latitude or flexibility to increase or decrease or modify the targeted rebate value associated with the particular product (or to even discontinue the promotion) if the latest transaction data including redeemed rebate data received from a plurality of retail stores show that the number of coupons or rebates allowed to be printed and redeemed reaches or exceeds a preset number or the manufacturer's goal has been achieved such that the manufacturer can decrease the rebate value associated with the sales of the product or simply discontinue the promotion.

Response To Applicant's Arguments

Applicant's arguments with respect to claims 1, 16 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,513,117 to Small discloses a vending machine, which allows a customer to design and personalize a greeting card also allows the customer to integrate an electronically vendable gift along with or directly onto the card. A stand-alone kiosk includes a credit card verifier, an alphanumeric keyboard, a video screen, a color printer printing on blank or partially printed card stock, and a gift calculator and vender, all controlled by a CPU. In an alternative system and method, a central terminal downloads card and gift selection data to PC's or interactive television via a modem and a user of the PC or interactive television remotely personalizes the card and selects a gift and amount. The card is then printed and physically mailed or sent to the recipient via electronic mail by the central terminal. Examples of gifts available through either system include prepaid long distance telephone calling cards and any other gift accessible via long distance carriers. The gift value and other enabling information such as a predetermined telephone access number and an authorized PIN number can be associated with the personalized card, printed directly onto the personalized card, or printed out at the recipient's terminal (see figs. 4, 8, 10 and 11; col. 10: 12-35).

US Patent 6,193, 155 to Walker discloses a method and apparatus for issuing and redeeming a gift certificate drawn on a credit card or other financial account. The present invention includes a first aspect directed to a merchant card authorization terminal and a second

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aspect directed to a credit card issuer central controller. According to the first aspect, a method for redeeming a gift certificate drawn on a financial account is disclosed including the steps of receiving a gift certificate for payment of an identified value, transmitting a request for authorization to a central server, receiving an authorization signal, representing an indication that redemption of the gift certificate is authorized, from said central server and receiving a payment from the account issuer based on said identified value. A system is also disclosed for implementing the methods in all aspects of the present invention (col. 5: 5-38).

US Patent 6, 450, 407B1 to Freeman discloses a method and system for providing advertisement information and electronic rebate or credit to a consumer for reading the an advertisement and for buying a product featured in the advertisement, wherein the advertisement information and the electronic rebate information (cash or financial reward) are transferred to the consumer's handheld device or chip card memory over a plurality of communication channels or communication means (or networks) including the Internet and wireless means (wireless networks) (col. 6: 2 to col. 7: 59; fig. 3; col. 9: 11-18). In general, once a rebate is stored in the memory of the chip card, the consumer can then take the chip card to a participating POS, where it can be used (redeemed) during a synchronization process with the POS terminal. **Indeed, rebates are conveyed or provided to the consumer by communication from the advertisement information provider to the customer's chip card memory via a multiplicity of possible channels or communication means including a personal computer, a portable chip card reader, a point-of-sale (POS) terminal, a handheld device, a home or business telephone, a vending machine, a cellular phone, a pager, a mass transportation payment**

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station, a television and/or television set-top box or an automated teller machine (ATM).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official- 571-273-6719.

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JDJ

Jean D. Janvier

Patent Examiner

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**JEAN D. JANVIER
PRIMARY EXAMINER**

Javier Jean Dario